

IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	8:02CR22
)	
v.)	
)	
BUFFY BUSH,)	ORDER
)	
Defendant.)	
<hr style="width: 40%; margin-left: 0;"/>)	

This matter is before the Court on defendant's motion to modify sentence (Filing No. 84), and the stipulation of the parties (Filing No. 87). Upon initial review of defendant's motion and the modification to the United States Sentencing Guidelines dealing with crack cocaine, the Court preliminarily concluded that the defendant may not be eligible for a reduction of her sentence and accordingly scheduled a hearing which was held on March 6, 2008. Counsel for the government and the defendant were present.

The Court has considered their arguments, and upon review of the modified guidelines, finds that the stipulation of the parties should be rejected, and defendant's motion should be denied. The previous guideline provided for an offense level of 38 in cases where the defendant was responsible for more than 1.5 kilograms of crack cocaine. The guideline was modified to provide that the offense level for more than 1.5 but less than 4.5 kilograms of crack cocaine should be reduced to 36. The

offense level of 38 remained for offenses involving more than 4.5 kilograms of crack cocaine.

Reviewing the transcripts of the Rule 11 hearing and of the sentencing hearing for defendant, the Court finds that the evidence presented established that defendant was responsible for substantially more than 4.5 kilograms of crack cocaine. Therefore, she is not eligible for a reduction of her offense level and resulting sentence by reason of the recent amendments to the United States Sentencing Guidelines. Accordingly,

IT IS ORDERED:

- 1) The stipulation of the parties is rejected;
- 2) Defendant's motion to modify sentence is denied.

DATED this 7th day of March, 2008.

BY THE COURT:

/s/ Lyle E. Strom

LYLE E. STROM, Senior Judge
United States District Court